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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,842	06/06/2005	Vittorio Orlandi	207,020	8600
7590 05/26/2009				
Jay S Cinamon Abelman Frayne Schwab 666 Third Avenue 10th Floor New York, NY 10017-5621			EXAMINER JOHNSON, JENNA LEIGH	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 05/26/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,842

Applicant(s)

ORLANDI, VITTORIO

Examiner

Jenna-Leigh Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,10-12 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,10-12 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 13, 2009 has been entered.

Response to Amendment

2. The Amendment submitted on March 13, 2009, has been entered. Claims 2, 4, 6 - 9, and 13 - 15 have been cancelled. Claims 1, 3, 5, 10, and 12 have been amended. Therefore, the pending claims are 1, 3, 5, 10 - 12, and 16.

3. The cancellation of claims 4 and 6 - 9 renders moot the rejections of those claims set forth in the previous Office Action.

4. The declaration under 37 CFR 1.132 filed March 13, 2009 is insufficient to overcome the rejection of claims 1, 3, 5, 10 - 12, and 16 based upon Rugmaker's Homestead Website: A Brief General History of Rag Rugs; Rugmaker's Homestead Website: #17: Loom Woven rag Rugs; and Rugmaker's Homestead Website: #19 Frame Woven, Twisted Warp and Twisted Weft Rugs as set forth in the last Office action because: The declaration argues that the invention has unexpected results due to the increased absorbency of the woven fabric as compared to the water absorption properties of materials used in the fabric including polypropylene, polyethylene and polyamide (declaration, page 6). However, the absorption properties being used as the comparison are not for a woven fabric made from the claimed materials, where the only difference is structure of the yarn, i.e., a strip of nonwoven fabric vs. a multifilament or staple yarn. Instead the absorption properties being compared are for the material itself and do not take into consideration the absorption that would be created by the yarn and weave structure

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used to make the woven fabric. The comparisons must be between samples where the only difference is the structure of the yarns, and all other factors such as materials, basis weight, etc. remain the same. Only, then can the comparison be relied on to show that the improved results are in fact due to the inventive features in the fabric and not another feature that would be present in either type of woven fabric. Further, it is noted that the applicant's results for the water absorption of the woven fabric are for examples which are made with viscose and polypropylene. Comparing the absorption properties of a fabric made with an absorbent material such as viscose to the absorption properties of polypropylene is not sufficient to show that the improved absorption is due to the fabric's structure and not due to choice of materials. Further, the examples in the declaration do not even disclose how much viscose and polypropylene are used to produce the fabric. The absorption properties of the examples, i.e., a woven fabric made from a blend of materials, are not directly related to the absorption properties of the general polymer materials. The results do not provide sufficient information to establish that the claimed woven fabric has improved absorption properties as compared to woven fabrics which are not made from strips of nonwoven fabrics. The invention must be compared to other fabrics.

Further, it is noted that the declaration is not entirely commensurate in scope with the claimed product. Particularly, the claims do not require that the strips are in any way twisted or rolled to create a high number of interstices. They would include fabrics wherein the strips are woven in a flat configuration. Also, the independent claims does not limit the materials of the claimed fabric to materials which are considered to have low absorbencies such as polypropylene, polyethylene, and polyamide. Thus, the declaration is not considered to be effective.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. Claims 1, 3, 5, 10 - 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rugmaker's Homestead Website: A Brief General History of Rag Rugs; Rugmaker's Homestead Website: #17: Loom Woven rag Rugs; and Rugmaker's Homestead Website: #19 Frame Woven, Twisted Warp and Twisted Weft Rugs.

The features of the Rugmaker's Homestead Website have been set forth in the previous Office Action. Claim 1 has been amended to include the limitations of width and weight/surface ratio. These features were previously rejected in claims 4 and 9. Thus, claim 1 is rejected for those reasons, as set forth in the previous Office Action.

Further, claim 1 has been amended to include the limitation the nonwoven strip can be made by thermo-bonding or spunbonding in addition to hydroentanglement. As set forth previously, while the Rugmaker's Homestead Website discloses that scrap fabric materials can be used to make the woven fabrics, the Rugmaker's Homestead Website fails to teach specifically using nonwoven fabrics made by hydroentangling, spunbonding, or thermal bonding as the fabric strips in the woven fabric. However, it would have been obvious to one having ordinary skill in the art that any known fabric strip, rag material, or waste material from textile mills or household fabrics could be used as the warp or weft yarns in the woven rag rug fabric since rag rugs are produced from scrap materials which can be found in rag fabrics or as waste from textile mills. Further, it would have been obvious to one having ordinary skill in the art to choose nonwoven spunbonded, hydroentangled, or thermal bonded fabric scraps, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. Thus, claims 1, 3, 5, 10 - 12, and 16 are rejected.

Response to Arguments

7. Applicant's arguments filed march 13, 2009 have been fully considered but they are not persuasive. The applicant argues that the information provided by the declaration is sufficient to show

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improved absorption properties of the claimed fabric as compared to the absorption properties of certain polymer materials. As set forth above, the examples and comparisons in the declaration are considered to be deficient. Further, the statement that the claimed materials have high or unexpected absorption properties as compared to other cleaning products seems to be contradicted by the applicant's own disclosure which states that examples of the claimed fabric made with viscose and polypropylene have absorbent capacities which are equivalent to viscose/polypropylene product on the market (specification, page 4). Thus, the absorbency seems related to the materials and not the fabric construction. Further, it is noted that many cleaning products in the current market are made from blends that include polypropylene, polyethylene, or polyamide materials. And these products are commonly made with shaped filaments and/or microfibers to create a high number of voids or interstices that can absorb liquid and trap particles. Thus, the principles are well known in the cleaning cloth area. Further, as noted above, the structure of the strips, i.e., the strips being twisted, is not claimed by the applicant. Therefore, the claimed fabric does not have to include a high number of interstices. Thus, the features argued are not commensurate in scope with the claimed products. Therefore, the rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Johnson whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlj
May 22, 2009

/Jenna-Leigh Johnson/
Primary Examiner, Art Unit 1794